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EXAMINER	
LOUIS, VINNCELAS	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 11: NOTE

Response to claim Rejections - 35 USC § 101:

Regarding claim 64, the applicant alleged that "manufacture as statutorily define" as recited by applicant on page 18 of 23.

In response, the examiner respectfully disagrees.

Para.0112 of the applicant specification only recites "manufacture" without defining it. The closest definition of " processor readable medium", according to para.0027, would be "computer processor readable medium" and it is well known that computer processor readable medium could be **non-transitory medium (i.e. CD-ROM) or transitory medium (i.e. signal bearing-medium**). Thus, examiner considered that "**computer processor readable medium**" recited in claim 64 would be fairly conveyed to one of ordinary skill in the art to be a "**transitory medium** (**i.e. signal bearing**)" that is directed to non-statutory subject matter. Thus, claim 64 is rejected under 35 U.S.C. 101.

Claims 65-68 are also rejected for the same reason as set forth above in claim 64.

Response to double Patenting:

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. **A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over**, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

Based on the above, the examiner will maintain the nonstatutory obviousness-type double patenting rejection as argued by applicant on page 19 of 23.

Response to claim Rejections - 35 USC § 103:

Regarding claim 1, the applicant alleged that the combined system of Albert '045 and Datta '341 fails to show or merely suggest "if each received packet in the flow of packets is unassociated with the traffic manager**;** performing actions (A) selecting another traffic manager; and (B) associating the other traffic manager with the flow of packets wherein each received packet in the flow of packets is forwarded to the other traffic manager" as recited by applicant on page 20 of 23.

In response, the examiner respectfully disagrees because in this case, the combined system of Albert '045 and Datta '341 explicitly teaches the above limitation.

Albert '045, (**see fig.2),** teaches a network architecture that includes first forwarding agent 231 and second forward agent 232 (**i.e. distributor**). Albert '045, (**see fig.2),** teaches that the network includes first service manger 241 and second service manager 242 (**i.e. traffic manager**). In col.11, lines 22-35, Albert '045 teaches the SYN packet flow with a destination address is received forward agent (**i.e. distributor**), which matches **(i.e. associate with**) service manager 300 (**i.e. traffic manager**) and forwards (**i.e. forward to the associated**) to the SYN packets to service manager (**i.e. traffic manager 300**).

Datta '341 teaches, in fig..2-fig.3, a controller (**i.e. distributor**) and plurality of router (**i.e. traffic manager**). In fig.5 with related text and Col.17, lines 1-12, Datta '341 teaches a controller (**i.e. distributor**) to identify router (**i.e. traffic manager**) based on router identify (i**.e. association of flow identifier**). In fig.5 with related text, Col.17, lines 15-27, col.18, lines 15-19, Datta '341 teaches the controller (**i.e. distributor**) to receive SYN packet where the address specified in the SYN packet request will identify a different machine than the one selected by the controller (**i.e. unassociated with traffic manager**). In fig.5 with related text and Col.18, lines 15-25, Datta '341 teaches the controller (**i.e. distributor**) selects different routers (**i.e. another traffic manager**).

Regarding claim 33, the applicant alleged that the combined system of Albert ‘045, and Hong ‘372 fails to show or merely suggest “a first partial server-side connection key corresponding to another flow of packets, wherein the first partial server-side connection key includes known fields and unknown fields; and making a determination to whether or not to age the second partial server connection” as recited by applicant on page 21 of 23

In response, the examiner respectfully disagrees because in this case, the combined system of Albert ‘045 and Hong ‘372 explicitly teaches the above limitation.

The same as shown above is also applied. Furthermore, Hong '372 teaches, fig.1, para.0060, in para.0062, the IFS 62 parses the packets for selected field destination, source and other payload invariant (**i.e. partial key server**). Hong '372 teaches, fig.1, para.0060, in para.0062, the IFS 62 parses the packets for selected field destination, source, and other payload invariant (**i.e. known field)**. Hong '372 teaches, in fig.1, shows a traffic manager and content director. Hong '372 teaches, in para.0063, packet receive at the content directory without any cookie (**i.e. unknown field**) which is used to determine the server.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i**.e., rerouting would be separate, load balancing from LAN to outside LAN…..)** are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The prior art below made of record and not relied upon is considered pertinent to applicant's disclosure

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following prior arts are related to the present claimed invention: US 2001/0037387 (see para.0018).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINNCELAS LOUIS whose telephone number is (571)270-5138. The examiner can normally be reached on M-F from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AUNG S. MOE can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2474

/V. L./
Examiner, Art Unit 2474
Wednesday, September 29, 2010